

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/798,763)	Confirmation No.:	6443
)		
Filing Date:	March 11, 2004)	Examiner:	Terence Boes
)		
Inventors:	Xiaoyu Li)	Group Art Unit:	3682
)		
Title:	SINGLE-MOTOR POWER)		
	TELESCOPE AND TILT)		
	STEERING COLUMN)		
)		
Attorney Docket No.:	DP-310460)		

Mail Stop AMENDMENT
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION AND WITHDRAWAL
OF THE FINALITY OF THE OFFICE ACTION

Dear Sir:

This Request is in response to the Final Official Action mailed April 3, 2007.

As discussed in greater detail below, Applicant contends that making this Official Action final is premature and respectfully requests that the finality of this Official Action be withdrawn.

The Examiner notes that Applicant's arguments in the Response filed on January 2, 2007 are moot in view of the new grounds of rejection. The new grounds for rejection of Claims 1-6 and 10 are under §102(b) and the new grounds for rejection of Claims 7, 8, 10, 19, 20 and 21 are under §103(a). Both the §102(b) and the §103(a) rejections utilize newly cited reference U.S. Patent 5,363,716 to Budzik. The Examiner contends that the amendments made in Applicant's Response necessitated the new grounds of rejection such that the Official Action is properly made final.

In light of the new grounds of rejection, it cannot be disputed that Applicant overcame the rejections from the non-final Official Action of November 6, 2006. The amendments set forth in the January 2, 2007 Response merely added to Claim 1 the verbiage of "telescopically" and "pivotally". This amendment did not alter the scope of Claim 1 as this claim already included the limitations of "telescoping movement" and "tilting movement" (also see dependent Claim 2). At best, Claim 1 was amended to correct informalities or for clarification, but not to further limit the claim or change the scope of protection.

In accordance with MPEP §706.07, a clear issue should be developed between the Examiner and Applicant before final rejection is in order. Applicant respectfully contends that the patentability issues for the subject application are still unclear. As stated in §706.07, "Switching ... from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue ..." Also, "present practice does not sanction hasty and ill-considered final rejections. ... applicant who is seeking to define his or her invention ... should receive the cooperation of the examiner ... and not be prematurely cut off in the prosecution of his or her application."

Applicant has not had an opportunity to address the current §102(b) and §103(a) rejections and has been prematurely prevented from doing so by making the latest Official Action final. But for an error by the Examiner, there is no reason for why the current rejections were not set forth in the previous non-final Official Action. Thus, the finality of the current Official Action should be withdrawn to provide an opportunity for the Applicant to reply and clearly define the issues of patentability. In addition, the remaining claims, (Claims 23 and 24) were withdrawn, which is believed improper by the Applicant, before the issues of patentability were determined.

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Accordingly, it is respectfully submitted that the finality of the rejection is improper and its withdrawal is requested. Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credits to Deposit Account No. 08-2789 in the name of Howard and Howard Attorneys, P.C.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

May 18, 2007
Date

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